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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,339	10/18/2003	David L. James	JAME:001	7072
7590	11/28/2005		EXAMINER	
ROSSI & ASSOCIATES P.O. BOX 826 ASHBURN, VA 20146-0826			TWEEL JR, JOHN ALEXANDER	
			ART UNIT	PAPER NUMBER
			2636	

DATE MAILED: 11/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/687,339

Applicant(s)

JAMES, DAVID L.

Examiner

John A. Tweel, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

1. This Office action is in response to the amendment filed 9/9/05. Claim 1 has been amended. Claim 5 has been added.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Romano** in view of **Grossheim et al** [U.S. 4,794,368].

For claim 1, the warning device taught by **Romano** includes the following claimed subject matter, as noted, 1) the claimed portable housing is met by the housing unit (No. 20), 2) the claimed recording device is met by the recording microphone (No. 72) and speaker members (Nos. 68, 69, and 70), 3) the claimed connector is met by the plug-in power component (No. 110) adapted to fit within a vehicle socket, and 4) the claimed switching device is met by the automatic On/Off switch (No. 98) coupled to the recording device and connector wherein the switching device provides a signal to the recording device indicative of an ignition state and plays back a prerecorded message in response to the signal (Col. 4, Lns. 45-52). However, the signal is not provided when the ignition state changes from an on-state to an off-state.

Signals being given upon the off-state of an ignition are as common and well-known as an audible tone played upon the headlights being left on upon the ignition being turned off. Also, the programmable automobile alarm system having vocal alarm

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and reporting features taught by **Grossheim** includes many different alarm options and features. One of these features is the playing of a vocal warning "AUTOMATIC ARMING ENGAGED" upon the owner exiting the vehicle. If the owner wishes to bypass this arming feature, one needs to simply turn the ignition on and then off, and the system will announce "AUTOMATIC ARMING DISENGAGED". This reference is plain evidence that signals have been given upon the off-state of an ignition switch for some time. An obvious advantage of this system is to alert the user as to the status of the alarm system.

Both references pertain to warning devices used in automobiles. Alerting one to the status of the alarm system is always an advantage, as it would increase the user's confidence in the product. It would have been obvious to one of ordinary skill in the art at the time the invention was made to alert the user upon exiting the vehicle for the purpose of insuring the proper operating mode of the warning system.

For claim 2, the device of **Romano** includes speakers (Nos. 68 and 70).

4. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Romano** in view of **Grossheim et al** as applied to claim 1 above and further in view of **Drori** [U.S. 6,028,505].

For claims 3 and 4, the device taught by **Romano** and **Grossheim** includes the claimed subject matter as discussed in the rejection of claim 1 above. However, there is no mention of a normally closed relay.

Relays, both open and closed, have been used as switches for some time. The vehicle security system of **Drori** uses normally closed relays in its multifunction vehicle security system, which is connected to a control unit and processes received information and enables various functions. This reference is plain evidence that relays have been used as switches for some time not only in electronic devices but devices used on automobile security systems.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include closed relays in the system of Romano for the purpose of using a well-known and common switch apparatus.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Romano** in view of **Grossheim et al** as applied to claim 1 above, and further in view of **Leapman** [U.S. 6,934,396].

For claim 5, the combination of references above includes the claimed subject matter as discussed in the rejection of claim 1. However, there is no mention of a power source in the housing.

The speaker taught by **Leapman** includes a power source (No. 160) but can also be connected to an external power source. This reference is plain evidence that speakers and other audio equipment can have their own power supplies. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a battery in the system of Romano for the purpose of taking advantage of a common and well known power source.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Hwang** [U.S. 4,761,631] presents a headlight warning circuit.

**Gaub et al** [U.S. 5,633,625] generates a chime sound depending upon a seatbelt latch.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

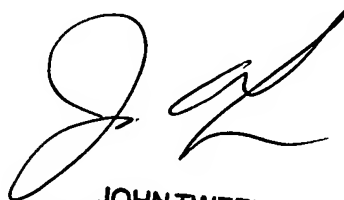
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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John A. Tweel, Jr. whose telephone number is 571 272 2969. The examiner can normally be reached on M-F 10-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Hofsass can be reached on 571 272 2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JAT  
11/22/05



JOHN TWEEL  
PRIMARY EXAMINER